

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4842 OF 2003

Mr. Halady S. Shetty .. Applicant.

V/s.

The State of Maharashtra .. Respondents.

Shri. A.Y. Sakhare, Sr. Counsel with Shri G.S.
 Kulkarni for the Applicant.
 Shri Konde Deshmukh, APP for the Respondent -State.

CORAM : A.M.KHANWILKAR, J.
DATED : MARCH 10, 2005

PC :-

1. This is an anticipatory bail application pending in this court since 2003. Prayer for anticipatory bail is made in connection with the offence registered with Pydhonie Police Station vide MCR No. 03/2001 dated 25th March, 2001. Under the interim orders, the applicant has been protected from arrest in connection with the said crime.

2. It is intriguing that though the offence is registered as back as on 25th March, 2001, yet the investigation has not been taken to its logical end. In this context, the Superior Officer of the Crime Branch (Economic Offence Wing), was directed to appear

before this Court and place on record on affidavit his stand with regard to the present case.

3. Accordingly, the affidavit of Shri Dilip Raghunath Sawant, Assistant Commissioner of Police, sworn on 10th of March, 2005 has been placed on record. Suffice it to observe that the investigation of the case has been conducted in a tardy manner so far. That is a matter of concern especially having regard to the seriousness of the offence; but it is now assured by the A.C.P. in his affidavit that the cause of delay in the investigation will be viewed seriously and necessary departmental action will be taken against the concerned investigating officer(s), involved in the case right from its inception i.e. March, 2001. Therefore, without expressing any opinion on the said aspect, I would now proceed to dispose of the present application on the following terms:-

4. As mentioned earlier, the offence has been registered in March, 2001 and the same is still being investigated. The applicant has enjoyed interim protection of this court since 2003. The appropriate course open for this court, instead of going into the

contentious issues raised in the present application, is to direct the applicant to report to the newly appointed investigating officer, who, as assured by Mr. Dilip Raghunath Sawant, will conduct the investigation on day today basis under his supervision. That assurance is accepted.

5. The applicant shall report to the said newly appointed investigating officer from tomorrow i.e. 11.03.2005 for a period of one week daily between 11 a.m. to 5 p.m. and thereafter, as and when required by the said investigating officer in connection with the investigation of the offence in question.

6. ACP -Dilip R. Sawant, who is present in the court assures that the investigation will be conducted on day today basis and taken to its logical end within four weeks from today. That assurance is accepted.

7. The interim protection granted to the applicant shall continue till the investigating officer decides to arrest the applicant in connection with the present offence on collecting the necessary material to indicate the complicity of the applicant during the course of investigation. It will be open

to the investigating officer not only to rely on the documents to be collected hereafter but also on the documents collected during the investigation so far, to indicate the complicity of the applicant in the commission of the crime.

8. The investigating officer shall give 72 hours advance notice to the applicant about his intention to arrest the applicant in connection with the offence so as to enable the applicant to take recourse to the remedy as may be permissible in law.

9. This application is disposed of on the above terms. The applicant is present in court and assures to abide by the above conditions.

10. Copy of this order be forwarded to the Principal Secretary, Home Department, for information and necessary action, as may be advised.

11. Ordered accordingly.

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